

Senate Bill No. 1343

Passed the Senate August 22, 2000

Secretary of the Senate

Passed the Assembly August 18, 2000

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 3058.65 to the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, Monteith. Parole: child abuse.

Existing law requires that whenever a person confined in prison for a violent felony as defined, is to be released upon parole, the parole authority must notify the specified local law enforcement agency and the district attorney, who has jurisdiction in the community where the parolee is to be released. The notice must be made at least 45 days prior to the scheduled release of the inmate and must include specified information relating to the parolee, including the parolee's name, whether the parolee is required to register with local law enforcement, and the community in which the parolee will reside upon release. The agencies receiving notice are authorized to provide written comment to the parole authority responding to the scheduled release and these comments must be considered by the parole authority who is authorized to modify its decision regarding the community in which the parolee is to be released.

This bill would impose upon the parole authority those same notice requirements whenever a person confined in state prison for specified crimes involving child abuse as specified, or any sex offense specified as being perpetrated against a minor, or as ordered by a court, is scheduled to be released. However, the notice would be required instead, to be given to the immediate family of the parolee who requests that notification and who provides the department with a current address. In addition to the specified information stated above, the required notice also would have to include the parolee's terms of parole.



The people of the State of California do enact as follows:

SECTION 1. This act shall be known as, and may be cited as, “Dustin’s Law.”

SEC. 2. Section 3058.65 is added to the Penal Code, to read:

3058.65. (a) Whenever any person confined in the state prison is serving a term for the conviction of child abuse, pursuant to Section 273a, 273ab, 273d, or any sex offense specified as being perpetrated against a minor, or as ordered by a court, the Board of Prison Terms, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168, or the Department of Corrections, with respect to inmates sentenced pursuant to Section 1170, shall notify the immediate family of the parolee who requests that notification and who provides the department with a current address that the person is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation without a new commitment, as specified in subdivision (b)

(2) For the purposes of this paragraph, “immediate family of the parolee” means the parents, siblings, and spouse of the parolee.

(b) (1) The notification shall be made by mail at least 45 days prior to the scheduled release date, except as provided in paragraph (2). The notification shall include the name of the person who is scheduled to be released, the terms of that person’s parole, whether or not that person is required to register with local law enforcement, and the community in which that person will reside. The notification shall specify the office within the Department of Corrections that has the authority to make the final determination and adjustments regarding parole location decisions.

(2) When notification cannot be provided within the 45 days due to the unanticipated release date change of an inmate as a result of an order from the court, an action by the Board of Prison Terms, the granting of an administrative appeal, or a finding of not guilty or



dismissal of a disciplinary action, that affects the sentence of the inmate, or due to a modification of the department's decision regarding the community into which the person is scheduled to be released pursuant to paragraph (3), the department shall provide notification to the parties specified in subdivision (a) as soon as practicable, but in no case less than 24 hours after the final decision is made regarding the location where the parolee will be released.

(c) In no case shall the notice required by this section be later than the day the person is released on parole.



Approved _____, 2000

Governor

